

## **TIPP CITY COUNCIL STUDY SESSION**

**TIPP CITY, MIAMI COUNTY, OHIO**

**OCTOBER 19, 2009**

### **Study Session**

City Manager Jon Crusey opened the Study Session at 7:05 p.m. on this date.

### **Roll Call**

Council Members in attendance included: President Patrick A. Hale, John E. Kessler, Dolores Gillis, Bill Beagle, Vickie Blakey, and George H. Lovett.

Others in attendance: Utilities Director Mo Eichman, Assistant City Manager Brad Vath, EMS Chief Mark Senseman, Police Chief Tom Davidson, Joe Gibson, Don Ochs, Lindsey Gold, Josh Gold, and reporter Nancy Bowman.

### **Discussion** **Town Hall Meeting**

City Manager Crusey reminded Council that they received in their packet a draft of the Powerpoint presentation for the Town Hall meeting to be held on November 10<sup>th</sup> at 7 p.m. at the Zion Lutheran Church. He asked for any comments, additions or suggestions to the presentation. Mr. Kessler suggested that Mr. Crusey include the difference between a street mile and a lane mile. Mrs. Blakey asked how the brainstorming session would be handled. Mr. Crusey stated that he will open the floor for discussion and questions and added that there will not be a time limit for questions. Mr. Beagle complimented Mr. Crusey on the layout and stated that the content may head off a lot of questions. Mr. Lovett agreed and noted that there was a lot of information included in the slides. Mrs. Gillis added that she is interested in hearing why residents think Council is not doing the right things for the City.

Mr. Crusey stated that if residents have general ideas they will be added to the list and Council will review them at their November 23<sup>rd</sup> Operating Budget meeting.

President Hale informed Council that the Zion Lutheran Church donated their facilities for this Town Hall meeting and thanked them for their kindness.

### **Mast Arms**

Mr. Crusey reminded Council that they had previously approved fluted mast arms to be used as part of the Streetscape project. It has now been brought to the City's attention that the traffic signals at I75N and S may be replaced with mast arms as part of the Traffic Signal Interconnect Project. Mr. Vagedes explained that ODOT was asked twice if these mast arms could be included in the specs and the City was told no both times we asked. Now the City is being told that they could be included at a cost of \$60,500 for plain mast arms, \$92,000 for fluted mast arms of which the City would be responsible for 100% of the cost. Currently there are LED signals, existing poles, and strand wire in the design. Mr. Vagedes added that the downtown construction project is scheduled for 2011 with ODOT awarding the project April, 2012. Mr. Lovett asked if there were any safety issues with having strand wire as opposed to mast arms and Mr. Vagedes replied that it is strictly for appearance sake. Mr. Lovett then asked if the City would get "more bang for their buck" by replacing the existing poles at this time. Mr. Vagedes stated he did not believe so. Council agreed to leave the contract as it currently stands and not install mast arms at I-75.

TFAC

Mr. Crusey reviewed the attached Powerpoint presentation with Council regarding the Tippecanoe Family Aquatic Center. Mr. Crusey noted that the TFAC is a larger, more complicated facility but that subsidies are close to what they were at the old pool. Mr. Crusey informed Council that the contract with Cincinnati Pool Management has now expired and that the City will be sending out RFQs. Mr. Crusey offered several suggestions for the 2010 season including: shortening the season; offering a pre-season special; establishing a pool closing policy to add closing for low temperature or lack of patrons. Mr. Crusey also informed Council that another issue is with the beverage contract. He reported that all beverage companies desire to change to bottles instead of fountain drinks which will provide a big storage problem at the Aquatic Center.

Mrs. Blakey asked if Mr. Crusey thought the closing of Splash Moraine would have any impact on attendance. Mr. Crusey replied that it depends on whether Council wants to keep the TFAC as a "Tipp" pool or wants to start marketing in other areas.

President Hale questioned the possibility of running the pool in-house. Mr. Crusey replied that first the RFP needs to be issued. When the costs for the pool contract are evaluated by Council, a decision on the operation of the pool can be made at that time. Mr. Crusey then noted that he needs to know what Council thinks of a shortened season. Council agreed with shortening the season with the option to expand the season for an additional cost. Council discussed possible savings by bringing the pool in-house, but was reminded that 78 lifeguards were employed this year. Bringing the pool in-house would require that the City pay PERS, workers compensation and other benefits for all employees; also, the City does not currently have the staff to take over running of the TFAC.

Mr. Crusey will advertise the RFQ this week.

The study session concluded at 7:30 p.m.

**Adjournment**

\_\_\_\_\_  
Patrick A. Hale, President of Council

Attest: \_\_\_\_\_  
Cathy Ross, Clerk of Council

## **TIPP CITY COUNCIL MEETING**

**TIPP CITY, MIAMI COUNTY, OHIO**

**OCTOBER 19, 2009**

### **Roll Call**

President Patrick A. Hale called to order the regular meeting of the Tipp City Council at 7:30 p.m. Roll call showed the following Councilmembers present: President Patrick A. Hale, Dolores Gillis, Vickie Blakey, William Beagle, George H. Lovett, and John E. Kessler.

Others in attendance: Finance Director Richard Drennen, Utilities Director Mo Eichman, Assistant City Manager Brad Vath, Fire Chief Steve Kessler, City Engineer Scott Vagedes, City Attorney Joseph P. Moore, *Dayton Daily News* reporter Nancy Bowman, and *Sunday Record Herald* reporter Joyell Nevins.

Guests signing the register included: Donald Ochs, Joe Gibson, Gordon Honeyman, Steven Chaney, Ken Oren, Tim Rambeau, Joe Bagi, Katie Black

President Hale made a motion to excuse Mayor Evans. Motion was seconded by Mr. Lovett and unanimously approved.

### **Invocation and Pledge of Allegiance**

Pastor Ken Oren delivered the invocation and President Hale led the Pledge of Allegiance.

### **Approval of Agenda Amendment**

President Hale moved to amend the agenda to add under Ordinances: Ordinance B: An ordinance approving the final plat of the "Subdivision of Inlot 4061" and accepting public right-of-way. Motion was seconded by Mr. Beagle. The motion carried 6-0.

### **Approval**

Mr. Lovett moved, seconded by Mrs. Gillis, to approve the amended agenda. The motion carried 6-0.

### **Adoption of Minutes**

Mrs. Gillis moved, seconded by Mr. Beagle, to approve the minutes of the October 5, 2009 Pre-Meeting Study Session. The motion carried 6-0.

Mrs. Blakey moved, seconded by President Hale, to approve the minutes of the October 5, 2009 meeting. The motion carried 6-0.

### **Presentations, Proclamations, and Awards**

Mr. Tim Rambeau from the Tree Board presented Gordon Honeyman with the Big Tree Award. Mr. Honeyman was given this award for the biggest ash tree in Tipp City.

### **Ordinance (Second Reading) Ordinance 26-09 Supplemental Appropriations**

The following ordinances were presented to City Council for adoption.

An ordinance supplementing the appropriations in Ordinance 48-08.

Clerk of Council Summary: This ordinance authorizes an increase of appropriations for various funds of the City to supplement the 2009 fiscal year budget in the total amount of \$454,000.

City Manager Comments: This ordinance would increase 2009

appropriations by \$454,000 in the following funds:

+ \$58,600	General Fund – These funds are necessary to cover larger than expected income tax refunds to corporations. The downturn in the economy has resulted in lower corporate profits which have resulted in higher income tax refunds since corporations pay estimated taxes based upon the previous year's return.
+ \$385,400	Clean Ohio Grant Fund – These funds were originally appropriated in the Water Fund for the purchase of the Senseman property, however, the grant administrator has informed the City that these funds must be segregated in a separate fund. Appropriations in the Water Fund are being equally reduced via the ensuing reduction in appropriations ordinance.
+ \$10,000	Contractor Maintenance Fund – Due to an increase in contractor's submitting cash surety in lieu of bonds, additional appropriations in the fund are necessary.

There being no further discussion, Mr. Beagle sponsored this ordinance and moved for its adoption. Motion was seconded by Mr. Lovett and unanimously approved. Ordinance 26-09 was declared passed and President Hale affixed his signature in witness thereto.

**Ordinance 27-09**  
Reducing Appropriations

An ordinance reducing the appropriations in Ordinance 48-08.

Clerk of Council Summary: This ordinance authorizes the necessary reduction in appropriations of \$2,787,574.

City Manager Comments: This ordinance would reduce 2009 appropriations by \$2,787,574 in the following funds:

- \$2,174	FEMA Grant Fund – The City received less revenue than anticipated related to FEMA's reimbursement for clean-up costs related to the September 2008 wind storm.
- \$385,400	Water Fund – Clean Ohio grant funds for the purchase of the Senseman property were originally appropriated in the Water Fund, however, the grant administrator has informed the City that these funds must be segregated in a separate fund. The preceding supplemental appropriation ordinance will appropriate these funds to a Clean Ohio Grant Fund.
- \$2,400,000	Water Tower Construction Fund – Bids for the construction of the new 1.0 million gallon water tower are tentatively scheduled to be opened December 18, 2009. Therefore, a contract for this project will not be awarded until 2010. These funds will be re-appropriated as part of the 2010 budget.

**Ordinance 28-09**

Waterline Improvements  
for Shoop Road

There being no further discussion, Mr. Kessler sponsored this ordinance and moved for its adoption. Motion was seconded by Mrs. Gillis and unanimously approved. Ordinance 27-09 was declared passed and President Hale affixed his signature in witness thereto.

An ordinance accepting the waterline improvements as completed by the contractor for Shoop Road.

Clerk of Council Summary: All work has been satisfactorily completed on the waterline improvements made on Shoop Road to the eastern property line of 7025 S. County Road 25A.

City Manager Comments: This ordinance accepts the Shoop Road waterline public improvements. City Council, at its July 13, 2009 meeting, authorized the City Manager to enter into an Annexation and Service Agreement and a Waterline Construction Agreement for 7025 S. CR 25-A. The project involved the extension of a 12-inch waterline along Shoop Road to the easternmost property line of the subject property. The waterline has been constructed, inspected and approved by the City. Acceptable surety in the form of a 10% cash bond has been filed with the City for any necessary repairs during the one year maintenance period.

There being no further discussion, Mrs. Gillis sponsored this ordinance and moved for its adoption. Motion was seconded by President Hale and unanimously approved. Ordinance 28-09 was declared passed and President Hale affixed his signature in witness thereto.

**Ordinance 29-09**

Waterline Improvements  
for Cornerstone Drive

An ordinance accepting the waterline improvements as completed by the contractor for Cornerstone Drive.

Clerk of Council Summary: This is the waterline extension off the NAWA transmission main near the Montgomery/Miami County line that currently provides water service to HD Supply.

City Manager Comments: This ordinance accepts the Cornerstone Drive waterline public improvements. City Council, at its November 5, 2007 meeting, adopted Resolution 37-07 authorizing the City Manager to enter into a construction agreement with JM Grench for the installation of a 12-inch water main on Cornerstone Drive in unincorporated Monroe Township. The waterline has been constructed, inspected and approved by the City. Acceptable surety in the form of a 10% maintenance bond has been filed with the City for any necessary repairs during the one year maintenance period.

There being no further discussion, Mr. Lovett sponsored this ordinance and moved for its adoption. Motion was seconded by Mr. Beagle and unanimously approved. Ordinance 29-09 was declared passed and President Hale affixed his signature in witness thereto.

**Ordinance No. 30-09**

Water Tower Purchase

An ordinance authorizing the City Manager to purchase a +/- 3.410 acre lot being all of Inlot #3738 on Success Circle for a proposed water tower.

Clerk of Council Summary: This ordinance authorizes the City Manager to purchase Inlot #3738 for ninety-nine thousand dollars

(\$99,000.00) for placement of a water tower.

City Manager Comments: This ordinance authorizes the City Manager to purchase a +/- 3.410 acre lot, Inlot #3738, on Success Circle for the construction of a new 1.0 million gallon water tower. Council, at its July 13th meeting, authorized the City Manager via motion to enter into a Contract to Purchase Real Estate with Logan-Berry Properties, LLC for \$99,000, which is below the \$142,350 appraised value of this property. At a future meeting City Council will be requested to authorize the City Manager to execute IRS Form 8263 affirming the "donation" of the difference between the appraised value and the purchase price of property. The closing on this property will be completed by December 31, 2009.

There being no further discussion, Mrs. Blakey sponsored this ordinance and moved for its adoption. Motion was seconded by Mr. Kessler and unanimously approved. Ordinance 30-09 was declared passed and President Hale affixed his signature in witness thereto.

#### **Resolutions**

There were none.

#### **Ordinance First Reading** Street Improvements for Kinna Drive

Mr. Kessler sponsored an ordinance accepting the street improvements, including the water lines, sanitary sewer, and electric utilities as completed by Star Ex Inc. for Kinna Drive.

Clerk of Council Summary: Star Ex has satisfactorily completed the installation and construction of all the improvements on the Kinna Drive project.

City Manager Comments: This ordinance accepts the Kinna Drive public improvements. City Council, at its December 15, 2008 meeting, adopted Resolution 39-08 authorizing the City Manger to enter into a contract with Star Ex for the extension of Kinna Drive, including street improvements and utilities. The street has been constructed, inspected and approved by the City. Acceptable surety in the form of a 10% maintenance bond has been filed with the City for any necessary repairs during the one year maintenance period. The final project cost was \$1,025,438 with \$484,007 (47%) from the ODOD/ISIF Grant, \$208,043 (20%) from Northgate Commerce Center, and \$333,388 (33%) from the CIRF.

#### **Subdivision of Inlot 4061**

Mr. Beagle sponsored an ordinance approving the final plat of the "Subdivision of Inlot 4061" and accepting public right-of-way.

Clerk of Council Summary: The Planning Board reviewed and approved the Final Plat of this subdivision at their October 13<sup>th</sup>, 2009 meeting.

City Manager Comments: The applicant is seeking approval for the subdivision of property located at 375 E. Evanston Road. The proposed subdivision would divide the existing 57.8257 acre parcel into two lots and would dedicate an additional 5 feet of right-of-way on Evanston Road. The applicant is also dedicating a 60' wide easement that runs from Evanston Road to the northern property line of the subdivision and connects with the existing 60 foot right-of-way on Kinna Drive. This is a 60 foot easement for the future

construction of Kinna Drive and at the point that it is constructed the developer would have to come in and dedicate the right-of-way. This easement puts in place the future extension of Kinna Drive to Evanston Road. There is so an existing cell tower on this property, and the developer provided the required 110% setback for the fall zone of the tower; however it is only at 110% so there can be no additions to this tower to increase its height because there isn't sufficient room on the lot.

## Motions

President Hale stated that Motion A is a motion to approve up to 2 residential water taps (maximum size 1.5"). He noted that based on the letter from the Airport, they do not recommend granting of the water taps. Mr. Crusey stated that the DIA is saying if you build within the 65 DNL there will be no federal assistance for any of these homes if there are any issues with noise in the future. Mr. Crusey added that the County does have additional requirements for noise proofing any residence built within the 65 DNL noise contour, but the airport is opposed to any development in the noise contour. Mr. Lovett stated that the airport recommends that Tipp City discourage construction of any residences within the 65 DNL contour. Mr. Lovett noted that he served on the Airport Task Force 10 years ago and the Director of the Airport stated they were not pleased with the City's handling of construction within the DNL and it looks as if the current Director of the Airport continues this policy. Mr. Lovett stated that he is not opposed to selling these individuals water and assumes the county has regulations and apprises residents of these issues; however, he would like to insure that residents have been made aware that if there is a noise problem they are on their own. Residents shouldn't look at the City's blessing of their water tap as us verifying that it's fine for them to construct there and they are not going to have a problem. Mr. Lovett suggested sending the applicants a copy of the letter from the airport and a letter from the City Manager.

Mr. Lovett moved to approve the granting of the water taps, provided that the City Manager provides adequate notice to the applicants as per the email received from the Director of the Dayton Airport on October 16, 2009.

Mr. Kessler asked if there was any way to have this information in the property description in case the property owners sold and new residents wouldn't be aware of the concerns. Mr. Moore stated there was no way to do this and Mr. Crusey reminded Council that this property is not located in the City, but is in the Township, under their jurisdiction for zoning issues and is outside of our limits. The only thing Council is being requested to do is to allow them to tap a waterline. He added that he would notify the applicants of the concern the City received from the airport. Mrs. Blakey asked how the airport would view this as we move forward with other issues and stated that she would like to be a good neighbor. Mr. Lovett suggested copying the Director of the DIA on the letter being sent to the applicants.

Mr. Kessler seconded the motion. Motion was approved with a 4-2 vote; Mr. Beagle and Mrs. Blakey voted no.

President Hale made a motion to allow Miami County or their designee to extend the existing 12" DIP water line westerly on Ginghamburg Road to minimum the eastern property line of the +/- 24.2876 acre parcel

where it touches Ginghamburg Road. Mr. Lovett seconded the motion and it was approved with a 4-2 vote. Mrs. Blakey and Mr. Beagle voted no.

**Citizen Comments**

There were none.

**Councilmember  
Comments**

Mr. Beagle reported that the Capital Improvement Budget meeting will be held at 3 p.m. on October 26<sup>th</sup> and encouraged citizens to be a part of the conversation about our budget. He also noted that on October 22<sup>nd</sup>, the Tipp City Area Arts Council is having a benefit called the Artstravaganza at Harrisons from 5-8 p.m. with proceeds benefiting the Tipp City Area Arts Council and asked residents to please consider attending.

Mrs. Gillis reminded everyone that Beggar's Night is October 29<sup>th</sup> from 6-8 p.m. and Harvestfest on October 31<sup>st</sup>.

Mr. Lovett congratulated Sierra Nellessen on making the State Tennis Tournament and noted that she plays again on Friday and encouraged residents to support her.

President Hale asked citizens to use their right and get out and vote on November 3<sup>rd</sup>.

**City Manager Comments**

Mr. Crusey noted that a summary of the Capital Improvement Plan is available for review on the City's website and Facebook page. Additional information is available upon request.

**Adjournment**

President Hale moved to adjourn to Executive Session to include City Council and the City Manager to discuss Boards and Commissions. Mrs. Blakey seconded the motion and it was unanimously approved.

The Executive Session was adjourned at 8:32 p.m. on a motion by President Hale, seconded by Mrs. Gillis and unanimously approved.

\_\_\_\_\_  
Patrick A. Hale, President of Council

Attest: \_\_\_\_\_  
Cathy Ross, Clerk of Council